

# EXHIBIT A-7

Volume I  
Pages 1 to 102  
Exhibits None

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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SUSANNA MIRKIN and BORIS :  
MIRKIN, Individually and on :  
Behalf of All Others :  
Similarly Situated, : Civil Action  
Plaintiffs, : No. 18 Civ. 2949  
vs. : (ARR) (RER)  
XOOM ENERGY, LLC; and XOOM :  
ENERGY NEW YORK, LLC, :  
Defendants. :

- - - - -X

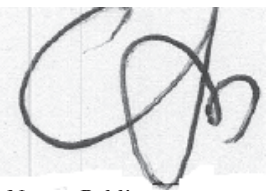
VIDEOTAPED DEPOSITION OF DERYA ERYILMAZ,  
Ph.D., a witness called by the Defendant, taken  
pursuant to the Federal Rules of Civil Procedure,  
before Alexander K. Loos, Registered Diplomate  
Reporter and Notary Public in and for the  
Commonwealth of Massachusetts, at the Offices of  
Veritext Legal Solutions, 101 Arch Street, Suite  
650, Boston, Massachusetts, on Tuesday, November 15,  
2022, commencing at 10:25 a.m.

PRESENT:

Wittels McInturff Palikovic  
(By Steven L. Wittels, Esq.; Steven D.  
Cohen, Esq. (Via videoconference); and  
Ethan D. Roman, Esq. (Via videoconference))  
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for the Plaintiffs.

<p>1 calculated method two.</p> <p>2 Q. Understood.</p> <p>3 And when you refer to "total cost" there,</p> <p>4 what you are referring to is the supply cost</p> <p>5 reported in the rate-setting workbooks, correct?</p> <p>6 A. Correct.</p> <p>7 It was labeled as "total cost," but that's</p> <p>8 the -- the supply cost that's presented in the data.</p> <p>9 Q. I think we're on the same page.</p> <p>10 There's a column in the rate-setting</p> <p>11 workbooks that says "total cost"?</p> <p>12 A. Yes.</p> <p>13 Q. And that's what you are referring to --</p> <p>14 A. Exactly.</p> <p>15 Q. -- as "total costs"?</p> <p>16 A. That represents the supply cost of any</p> <p>17 given month that's presented in those rate-setting</p> <p>18 workbooks.</p> <p>19 Q. Understood.</p> <p>20 Okay. Thank you for explaining to me how</p> <p>21 those models work.</p> <p>22 Can you tell me how you decided to use</p> <p>23 model one?</p> <p>24 A. Well, obviously, as I mentioned, this was</p> <p style="text-align: right;">Page 22</p>	<p>1 points about correlation analysis and -- and some</p> <p>2 graphs that he presented that -- that's -- those are</p> <p>3 the things that sort of I've summarized, and Seab</p> <p>4 and I sort of have put that together in our rebuttal</p> <p>5 report. That was more of, like, a per discussion we</p> <p>6 put that together, but -- yeah.</p> <p>7 Q. Okay. I probably asked an imprecise</p> <p>8 question.</p> <p>9 What I'm trying to learn is what your role</p> <p>10 personally was in preparing the rebuttal report as</p> <p>11 opposed to Mr. Adamson's.</p> <p>12 A. I guess as an energy economist, I looked at</p> <p>13 what Mr. Coleman's analysis was, and I was sort of</p> <p>14 putting down what I think is not a sort of relevant</p> <p>15 statistical analysis for -- for this case. So</p> <p>16 that's sort of the section that I've put together.</p> <p>17 Obviously with Seab -- Seabron Adamson.</p> <p>18 Q. You drafted parts of the rebuttal report?</p> <p>19 A. I -- because it's really difficult to --</p> <p>20 you know, combined report. I guess there were parts</p> <p>21 that I've written and then Seab might have edited.</p> <p>22 So I can't really give you a clear, you know, answer</p> <p>23 as to what paragraphs I drafted and which paragraphs</p> <p>24 he did draft.</p> <p style="text-align: right;">Page 24</p>
<p>1 in discussions with Seab. But we looked at -- so</p> <p>2 this is -- this case is about whether, you know,</p> <p>3 XOOM charges rates according to its contract.</p> <p>4 And when we look at the contract, it says,</p> <p>5 you know, it should be based on XOOM's actual and</p> <p>6 estimated supply costs.</p> <p>7 So we wanted to check if that's the case.</p> <p>8 So that's why we requested the actual and estimated</p> <p>9 supply costs, and we asked for the rate that XOOM</p> <p>10 charged. And if there was a discrep -- the</p> <p>11 hypothesis that we tested is if there's a</p> <p>12 discrepancy, then there should -- there's</p> <p>13 potentially an overcharge.</p> <p>14 So that's how we decided to show whether</p> <p>15 XOOM actually charged its actual and estimated</p> <p>16 supply costs to its customers.</p> <p>17 Q. Okay. Okay. What about the rebuttal</p> <p>18 report? What was your role in preparing that, if</p> <p>19 any?</p> <p>20 A. I guess I reviewed -- similar situation,</p> <p>21 that we have our own discussions and sort of</p> <p>22 identified key points that we would, you know, look</p> <p>23 at.</p> <p>24 And we reviewed Mr. Coleman's report and</p> <p style="text-align: right;">Page 23</p>	<p>1 So it was more of identifying the rebuttal</p> <p>2 points and putting them together, so I can't really</p> <p>3 tell you a specific answer on those are the</p> <p>4 paragraphs I have put together.</p> <p>5 Q. Sure.</p> <p>6 Was your involvement with the rebuttal</p> <p>7 report more in the nature of providing thoughts and</p> <p>8 commentary to Mr. Adamson, and then he drafted --</p> <p>9 MR. WITTELS: Objection.</p> <p>10 BY MR. MATTHEWS:</p> <p>11 Q. -- the rebuttal report?</p> <p>12 MR. WITTELS: Objection.</p> <p>13 THE WITNESS: I guess we can describe it</p> <p>14 that way.</p> <p>15 But my -- my input was more on the</p> <p>16 statistical analysis conducted by Mr. Coleman.</p> <p>17 BY MR. MATTHEWS:</p> <p>18 Q. Did you -- you reviewed his statistical</p> <p>19 analysis?</p> <p>20 A. Yeah. I read his report.</p> <p>21 Q. Did -- did you check his statistical</p> <p>22 calculations?</p> <p>23 A. I did not redo the analysis, but I've read</p> <p>24 his report, and I have seen the correlation results.</p> <p style="text-align: right;">Page 25</p>

<p>1 Q. Do you disagree with any of the correlation 2 results?</p> <p>3 A. I mean, I didn't check his work, per se. I 4 didn't redo the analysis. But conceptually, 5 correlation analysis was done appropriately. 6 It's just -- yeah. I mean, the analysis 7 itself seems to be right.</p> <p>8 Q. Okay. Have you done any correlation 9 analysis of your own related to this lawsuit?</p> <p>10 A. Not related to this lawsuit, no.</p> <p>11 Q. You've done correlation analysis before in 12 your life?</p> <p>13 A. I did, yes.</p> <p>14 Q. Yes.</p> <p>15 A. Not in the context -- I mean not in the 16 matter. But outside of this matter, I teach 17 correlation at Northeastern.</p> <p>18 Q. You're familiar with it?</p> <p>19 A. Yes.</p> <p>20 Q. You know how to do it?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. If you wanted to check Mr. Coleman's 23 calculations, you would be capable of doing that?</p> <p>24 A. Yes. I would be. But I didn't see the</p> <p style="text-align: right;">Page 26</p>	<p>1 Q. It's okay. I'm just trying to understand 2 whether you have formed any new opinions, or you 3 have any different opinions since you submitted 4 these reports?</p> <p>5 A. No.</p> <p>6 Q. Okay. And since submitting the rebuttal 7 report, have any of the opinions that you provided 8 in the initial CRA report, or the rebuttal report, 9 changed?</p> <p>10 A. No.</p> <p>11 Q. Is -- there's nothing in either report, the 12 CRA initial report or its rebuttal report, that you 13 feel differently about today?</p> <p>14 A. No.</p> <p>15 Q. Besides Mr. Coleman's rebuttal report, and 16 Mr. Adamson's deposition, have you reviewed any 17 additional documents since preparing your rebuttal 18 report beyond those that are explicitly referenced 19 in those documents?</p> <p>20 A. Not that I can think of.</p> <p>21 Q. Okay. Are there any documents that you 22 have not yet reviewed that you intend to review? 23 You just haven't gotten to it yet, or you haven't 24 been able to get copies of them.</p> <p style="text-align: right;">Page 28</p>
<p>1 necessity to do that.</p> <p>2 Q. I understand.</p> <p>3 I would not. I wouldn't know how to do it.</p> <p>4 But just that we're on the same page, you 5 understand the concepts?</p> <p>6 A. Yes.</p> <p>7 Q. You didn't see any errors in his 8 calculations?</p> <p>9 A. As it's presented, it seems to be that he 10 presented the correlation coefficients, and that's 11 how a standard, you know, statistical analysis would 12 show.</p> <p>13 But as I mentioned, I didn't redo the 14 analysis; so I can't validate whether the 15 percentages presented there are correctly done.</p> <p>16 But, I mean, I guess I trust his work.</p> <p>17 Q. Understood.</p> <p>18 Since CRA submitted its rebuttal report in 19 this case, have you personally formed any opinions 20 about this case beyond what is stated in the two CRA 21 reports?</p> <p>22 A. Not specifically I can think of.</p> <p>23 Q. Generally?</p> <p>24 A. Not really.</p> <p style="text-align: right;">Page 27</p>	<p>1 A. I cannot think of anything. I reviewed 2 what was relevant to do the analysis, and that's the 3 documents that I reviewed.</p> <p>4 Q. In your opinion, the CRA reports, the 5 initial report and the rebuttal report, represent 6 the most complete and accurate information and 7 opinions that you intend to offer in this case?</p> <p>8 MR. WITTELS: Objection.</p> <p>9 You can answer.</p> <p>10 THE WITNESS: Yeah. I mean -- yes.</p> <p>11 BY MR. MATTHEWS:</p> <p>12 Q. Great.</p> <p>13 You no longer work at CRA, correct?</p> <p>14 A. Yes. I am -- although I have a contractor 15 position there. So I'm not, like, a full-time 16 employee, but I have a contractual relationship to 17 be able to conduct this work.</p> <p>18 Q. Understood.</p> <p>19 Are you currently doing any other work for 20 CRA that's not related to this lawsuit?</p> <p>21 A. There are some other, like, academic work 22 that I'm doing with some other staff, but this is 23 the only case right now I'm working with 24 Mr. Adamson.</p> <p style="text-align: right;">Page 29</p>

<p>1 COMMONWEALTH OF MASSACHUSETTS)</p> <p>2 SUFFOLK, SS. )</p> <p>3 I, Alexander K. Loos, RDR and Notary Public in</p> <p>4 and for the Commonwealth of Massachusetts, do hereby</p> <p>5 certify that there came before me on the 15th day of</p> <p>6 November, 2022, at 10:25 a.m., the person</p> <p>7 hereinbefore named, who was by me duly sworn to</p> <p>8 testify to the truth and nothing but the truth of</p> <p>9 her knowledge touching and concerning the matters in</p> <p>10 controversy in this cause; that she was thereupon</p> <p>11 examined upon her oath, and her examination reduced</p> <p>12 to typewriting under my direction; and that the</p> <p>13 deposition is a true record of the testimony given</p> <p>14 by the witness. I further certify that I am neither</p> <p>15 attorney or counsel for, nor related to or employed</p> <p>16 by, any attorney or counsel employed by the parties</p> <p>17 hereto or financially interested in the action.</p> <p>18  ve hereunto set my hand</p> <p>19 and this 27th day of</p> <p>20</p> <p>21</p> <p>22</p> <p>23 Notary Public</p> <p>24 Commission expires 5/5/28</p> <p style="text-align: right;">Page 102</p>	
<p>1 Steven Wittles</p> <p>2 Slw@wittelslaw.com</p> <p>3 November 28, 2022</p> <p>4 RE: Mirkin vs. XOOM Energy</p> <p>5 DEPOSITION OF: Derya Eryilmaz 5544030</p> <p>6 The above-referenced witness transcript is</p> <p>7 available for read and sign.</p> <p>8 Within the applicable timeframe, 30 days, the witness</p> <p>9 should read the testimony to verify its accuracy. If</p> <p>10 there are any changes, the witness should note those</p> <p>11 on the attached Errata Sheet.</p> <p>12 The witness should sign and notarize the</p> <p>13 attached Errata pages and return to Veritext at</p> <p>14 errata-tx@veritext.com.</p> <p>15 According to applicable rules or agreements, if</p> <p>16 the witness fails to do so within the time allotted,</p> <p>17 a certified copy of the transcript may be used as if</p> <p>18 signed.</p> <p>19 Yours,</p> <p>20 Veritext Legal Solutions</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 103</p>	